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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,593	06/07/2001	Eric Ameres	1087.239	1336

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EXAMINER	
MARTIN, NICHOLAS A	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/876,593	AMERES, ERIC	
	Examiner	Art Unit	
	Nicholas Martin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-9 are presented for examination.

Specification

The disclosure is objected to because of the following informalities:

2. Whenever "QuickTime" is referenced it is misspelled as "Quicktime" beginning on page 2, line 3 of second paragraph and throughout the remainder of the application.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al. (hereinafter Freeman), US 2002/0129374.

5. As per claim 1, Freeman teaches a system for serving and playing back a spliced video stream comprised of disparate video segments, comprising:

a server system further comprising (Fig. 15)

1. means for combining a plurality of video segments into said spliced video stream (Fig. 6; Paragraphs [0013-0014], [0028], [0056], [0089] and [0093]);

2. means for streaming said spliced video stream to a client's system (Abstract; Paragraphs [0021] and [0060]); and

3. software means for playing back said spliced video stream regardless of the format each of said plurality of video segments (Abstract; Paragraphs [0016] and [0097]), said software means further comprising a plurality of playback formats, each of said playback formats being configured to enable said client's system to playback at least one of said plurality of video segments (Paragraphs [0012], [0048] and [0109]).

6. As per claim 2, Freeman teaches a system according to claim 1 wherein said video segments have different formats (Paragraphs [0012], [0097] and [0204]).

7. As per claim 3, Freeman teaches a system according to claim 1 further comprising means for compressing said video stream (Paragraphs [0084-0085]).

8. Claims 7-9 do not teach or define any new limitations above claims 1-3 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Hubbell et al. (hereinafter Hubbell), US 5,966,121.

10. As per claim 4, Freeman does not explicitly teach a system according to claim 1 wherein said playback format is Microsoft Windows Media format.

11. Hubbell teaches a system wherein said playback format is Microsoft Windows Media format (Col. 1, lines 45-50).

12. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hubbell and Freeman because both deal with the playback of video streams on users' devices. Furthermore, the teachings of Hubbell to allow a system wherein said playback format is Microsoft Windows Media format would improve the functionality of Freeman's system by supporting a wider variety of modern streaming formats in order for associated devices to be able to play the media.

13. As per claim 5, Freeman does not explicitly teach a system according to claim 1 wherein said playback format is QuickTime format.

14. Hubbell teaches a system wherein said playback format is QuickTime format (Col. 1, lines 45-50).

15. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hubbell and Freeman because both deal with the playback of video streams on users' devices. Furthermore, the teachings of Hubbell to allow a system wherein said playback format is QuickTime format would improve the functionality of Freeman's system by supporting a wider variety of modern streaming formats in order for associated devices to be able to play the media.

16. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Hubbell et al. (hereinafter Hubbell), US 5,966,121, in further view of 'Official Notice'.

17. As per claim 6, Freeman does not explicitly teach a system according to claim 1 wherein said playback format is Real Networks format.

18. Hubbell teaches a system wherein said playback format is for playing back motion video files (Col. 1, lines 45-67).

19. Hubbell does not teach wherein the playback format is Real Networks format. However 'Official Notice' is taken by the Examiner that Real Networks format for playback of video steams is notoriously well known. It would have been obvious to have included the Real Networks format for the current invention as doing so would have provided another example as to video playback in reference to the listed products of QuickTime and Video for Windows and other similar products that provide a means for playing back motion video files.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are presented to further show the state of the art with respect to "Universal Video Client/Universal Video Server System".

i. US 6,507,618 Wee et al.

A shortened statutory period for reply to this Office action is set to expire in THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Martin whose telephone number is (571) 272-3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3970.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Martin
June 8, 2005

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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